

REMARKS

In the Final Office Action¹, the Examiner rejected claims 1, 2, 4-6, 8, 9, 25-28, 30-35, 39, 40, 55, 56, 58-65, and 69 under 35 U.S.C. § 103(a) as being unpatentable over *Ellis et al.* (U.S. Patent Appl. Pub. No. US 2005/0028208) (*Ellis*) in view of *Daniels* (U.S. Patent Appl. Pub. No. US 2002/0032907) (*Daniels*). The Examiner also relied upon *Knudson et al.* (U.S. Patent Appl. Pub. No. US 2005/0204388) (*Knudson*) because it is incorporated by reference into *Ellis*. The Examiner indicated allowable subject matter in claims 21-23, 36-38, 51-53, and 66-68 if they are rewritten in independent form. The Examiner allowed claims 70-253.

Claims 1, 2, 4-6, 8, 9, 21-23, 25-28, 30-40, 51-53, 55, 56, and 58-253 remain pending and under current examination. Applicant respectfully requests reconsideration of this application in light of the following remarks.

Applicant respectfully traverses the rejection of claims 1, 2, 4-6, 8, 9, 25-28, 30-35, 39, 40, 55, 56, 58-65, and 69 under 35 U.S.C. § 103(a). The prior art cited by the Examiner, *Ellis*, *Daniels*, and *Knudson*, does not teach or suggest each and every element of claims 1, 2, 4-6, 8, 9, 25-28, 30-35, 39, 40, 55, 56, 58-65, and 69. A *prima facie* case of obviousness has, therefore, not been established.

Claim 1 recites a program information providing apparatus comprising, for example:

searching means ...
program recording preset script generating means ...
sending means ...

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

program recording preset cancel script generating means for generating a program recording preset cancel script, in response to a program recording preset cancel script generating request, the cancel script being a control command for invalidating the program recording preset script.

(emphasis added). *Ellis*, *Daniels*, and *Knudson* do not teach or suggest at least these elements.

The Examiner argues that one of ordinary skill would combine *Ellis* and *Knudson* because *Knudson* is incorporated by reference in its entirety in the specification of *Ellis* (Office Action at page 2). Even though the disclosure of *Knudson* is incorporated in *Ellis*, *Ellis* and *Knudson* are drawn to different embodiments of client communications.

Ellis discloses, “access communications may include, for example, commands, requests, messages, remote procedure calls (e.g. using a proxy-stub pair), or any other suitable client-server or peer-to-peer communication” (paragraph 0104). *Ellis* does not teach a “program recording preset cancel script generating means for generating a program recording preset cancel script, in response to a program recording preset cancel script generating request” included as an access communication. Therefore, there is no teaching, in *Ellis*, that the claimed cancel script generating means can be achieved at the remote device in a peer-to-peer or client server communication.

In *Ellis*, the user can remotely access the program guide for the TV or VCR while at work (paragraph 0018-0019). In contrast, *Knudson* relates to an interactive television program guide with series reminder and series recording capabilities (paragraph 0009). At any time during the completion of the program record screen 140, the user may cancel the record order by selecting cancel option 148 (paragraph 0085 and Figure 11). However, this cancel function occurs when the user presses a button on the remote

control 40 that corresponds with the cancel function on the television program guide.

This cancel function is realized by a remote control (paragraph 0046), not remote access as taught by *Ellis*. Therefore, *Knudson* does not teach a “program recording preset cancel script generating means for generating a program recording preset cancel script, in response to a program recording preset cancel script generating request” that can be achieved through remote access.

The Examiner states that *Knudson* teaches “processing and storing of requests [that] can be stored at the server” (paragraph 0087) (Office Action at page 3). This passage states, “[u]pon completing program record screen 140, the user may submit a record order for processing by selecting OK option 144 [that] directs the program guide to process the request.” The processing of the request “may be performed at the server.” However, the cancel option 148 is not realized at the server. It is realized when the user presses the button on the remote control. Even though the request may be processed at the server, it is not generated at the server. Therefore, there is no teaching in this passage, or anywhere else in *Knudson*, that the remote control for selecting a cancel option can be used in the remote access of *Ellis*.

One of ordinary skill would not combine *Ellis* and *Knudson* in view of the inconsistencies in the references. *Ellis* is directed to “an interactive television program guide with remote access” (paragraph 0014). *Ellis* does not teach a cancel script generating means that can be achieved through remote access. *Knudson* discloses a “remote control 40 to control the set-top box 28” (paragraph 0043). This remote control is also used to select the cancel option 148 (paragraph 0085). However, the cancel function in *Knudson* cannot be achieved through remote access.

There is no teaching or suggestion in *Ellis* or *Knudson* that a communication including a cancel script generating means can be achieved through remote access. Furthermore, the Examiner contends that motivation to combine the references exists because *Knudson* is incorporated by reference into *Ellis*. However, the references are drawn to substantially different embodiments. Therefore, the only motivation to combine the remote access of *Ellis* with the remote control of *Knudson* is found in the present patent application.

The Examiner relies on *Daniels* for “a server with a program recording control command generating means” (Office Action at page 7). Even assuming this assertion is true, *Daniels* fails to cure the deficiencies of *Ellis* and *Knudson* discussed above. *Daniels* does not teach a “program recording preset cancel script generating means for generating a program recording preset cancel script, in response to a program recording preset cancel script generating request”, as recited in claim 1.

Because the cited references fail to teach or suggest the subject matter of claim 1 and dependent claims 2 and 4, no *prima facie* case of obviousness has been established with respect to these claims. Independent claims 5, 9, 25, 40, and 55, while of different scope, recite limitations similar to those in claim 1 and are thus allowable over *Ellis*, *Daniels*, and *Knudson* for at least the same reasons discussed above in regard to claim 1. Moreover, claims 6 and 8, 21-23, 26-28 and 30-39, 51-53, and 56 and 58-69 are also allowable at least due to their dependence from claims 5, 9, 25, 40, and 55, respectively.

In view of the foregoing remarks, Applicant respectfully requests reconsideration of the application and withdrawal of the rejections. Applicant submits that pending

Customer No. 22,852
Attorney Docket No. 09812.0158
Application No. 09/872,239

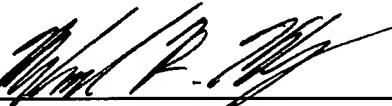
claims 1, 2, 4-6, 8, 9, 21-23, 25-28, 30-40, 51-53, 55, 56, and 58-253 are all in condition for allowance and requests a favorable action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 24, 2006

By: 
Michael R. Kelly
Reg. No. 33,921